

CAPITAL CITY PUBLIC CHARTER SCHOOL**NOTICE OF A REQUEST FOR PROPOSALS****Equipment, Supplies & Services**

Capital City Public Charter School, a public elementary and upper school for approximately 428 children in grades pre-K through tenth, seeks requests for proposals, in accordance with D.C. Code section 38-1802.04(c)(1)(A), to provide one or more of the following types of services for the administration of both our campuses and the renovation of our newly leased Upper School facility.

Equipment

1. Computers and related equipment
2. General office and classroom supplies

Services

1. General Contracting for tenant improvement to approximately 22,000 square feet of space.
2. Architectural services for tenant improvement to approximately 22,000 square feet of same space.

Interested individuals and companies may obtain additional information regarding Capital City's needs for equipment, furnishings and services by contacting Jeff Brechbuhl at (202) 387-0309, ext. 238; fax: (202) 387-7074; email: jbrechbuhl@ccpcs.org. Final bids will be due by noon on June 19, 2009.

COMMUNITY ACADEMY PUBLIC CHARTER SCHOOL (CAPCS)**REQUEST FOR PROPOSALS****Layout Design and Printing**

Community Academy Public Charter School (CAPCS), with offices at 1351 Nicholson Street, NW, in accordance with section 31-2801,2853 14 of the District of Columbia Reform Act of 1995, is soliciting proposals from qualified companies to provide layout design and printing services for promotional materials. Proposals must include pricing, experience, work schedule, and examples of similar work products. LSBDE firms are encouraged to respond. CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME. For a scope of work, contact Ashaki Goodall at ashakigoodall@capcs.org. **Final bids are due on Friday, May29, 2009.**

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST

The following is a listing of raze permit applications filed with the Permit Operations Division of the Department of Consumer and Regulatory Affairs:

Application Date	Address	Lot	Square	Use
April 27, 2009	907 Farragut Street, NW	52	3007	1 story usage
May 5, 2009	2509 Foxhall Road, NW	867	1341	2 story single family development
May 14, 2009	1234 Good Hope Road, SE	5601	54	1 story gas station
May 18, 2009	100 L Street, NW	852	559	3 story school

For further information, please contact Mr. Joseph Bembry at the Permit Operations Division via email at Joseph.Bembry@dcra.gov or Ms. Cheryl Randall Thomas, Manager of the Permit Center, at (202) 442-4534.

**D.C. DEPARTMENT ON DISABILITY SERVICES
REHABILITATION SERVICES ADMINISTRATION**

NOTICE OF PUBLIC MEETINGS

Pursuant to requirements of the Rehabilitation Act of 1973, as amended, the Department on Disability Services (DDS), the Rehabilitation Services Administration (RSA), hereby gives public notice of State Rehabilitation Council quarterly meetings, in accordance with 29 U.S.C. § 725 (f). The State Rehabilitation Council meetings are open to the public and will be held on the following dates at the District of Columbia State Rehabilitation Services Administration at 810 First Street, N.E., 10th Floor Conference Room, Washington, D.C. 20002-4227:

Tuesday, June 16, 2009 at 9:00 A.M.

Tuesday, September 15, 2009 at 9:00 A.M.

Tuesday, December 1, 2009 at 9:00 A.M.

Tuesday, March 2, 2010 at 9:00 A.M.

Individuals who wish to attend these meetings are welcome. As the District of Columbia State Rehabilitation Administration is planning to move in September 2009 from its present location to new offices at 1125 15th Street, N.W., you should call (202) 442-8663 five (5) business days before the meeting for the exact location and time and to ensure the meeting has not been rescheduled.

If you require translation services or Sign Language interpretation, please call (202) 442-8663 two (2) weeks before the public meeting to request your accommodation.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Community Development Block Grant—Recovery**

On February 27, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009. The purpose of the Act is to stimulate the economy with a focus on job creation and retention and investing in long term infrastructure. Specifically, the Act appropriated \$1 billion in Community Development Block Grant—Recovery (CDBG-R) funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG program. As the administrator of CDBG funds for the District of Columbia, the DC Department of Housing and Community Development received a CDBG-R grant in the amount of \$4,896,122. The activities on which DHCD plans to use these additional funds are detailed in a draft substantial amendment to the Department's Annual Action Plan for Fiscal Year 2009.

Copies of the Department's draft substantial amendment are available at 1800 Martin Luther King Jr. Avenue, SE, and on the internet at dhcd.dc.gov. To submit comments or for additional information on these or other stimulus programs, please contact Brad Hicks by phone at (202) 442-7200 or by email at housing.recovery@dc.gov. The public comment period will close on May 29, 2009.

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Grants in Lieu of Low Income Housing Tax Credits**

On February 27, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009. The purpose of the Act is to stimulate the economy with a focus on job creation and retention and investing in long term infrastructure. Under Section 1602 of ARRA, the DC Department of Housing and Community Development is eligible to receive Section 1602 Grants to States for Low-income Housing Projects in Lieu of Low-income Housing Credits under Section 42 of the Internal Revenue Code (the Code) for 2009. In doing so, DHCD will elect to take a portion of its 2009 State housing credit ceiling in the form of grant amounts that will be passed on to subrecipients.

In order to be eligible to receive funds from HUD, the Department of Housing and Community Development must establish guidelines to determine “good faith effort” on the part of developers seeking to monetize the tax credits they have been awarded.

Determination of “Good Faith Effort”

Broadly, the mission of the DC Department of Housing and Community Development is to preserve and create opportunities for affordable housing and economic development and to revitalize underserved communities in the District of Columbia.

Developers who wish to convert their tax credits to grants at \$.85 on the dollar must demonstrate a good faith effort to find tax credit investors before making the request to DHCD. The Department will require proof in the form of a denial letter or an offer of an amount that will result in an irreconcilable gap in funding for the developer.

This information should be included with application materials in the case of a new LIHTC application. In the case of an existing project in which a gap has been created due to loss of investor or reduction in pricing, please contact the Department.

For additional information on these or other stimulus programs through the DC Department of Housing and Community Development, please see the District’s recover website: recovery.dc.gov or contact Brad Hicks at (202) 442-7200 or via email at housing.recovery@dc.gov.

**INTEGRATED DESIGN & ELECTRONICS ACADEMY (IDEA)
PUBLIC CHARTER SCHOOL**

REQUEST FOR BID PROPOSALS

IDEA Public Charter School is soliciting BID proposals from qualified vendors to provide various services and products for the 2009-10 School Year. A synopsis of the services and products sought is here provided. The full RFP, containing guidelines for submission, applicable qualifications, bid specifications, and statement of work can be obtained by visiting our website: www.ideapcs.org or by picking up copies at the Main Office at IDEA Public Charter School, 1027 45th Street, NE; Washington, DC 20019. The full RFP's will be available beginning on May 22, 2009.

Bid proposals will be received at IDEA Public Charter School, 1027 45th Street, NE; Washington, DC 20019 until 12:00 PM (EST) Friday, June 5, 2009. All bids must be marked ---Attention: SFC Carroll Travers, RFP: indicate appropriate RFP type.

- A. Accounting & Business Solutions** – Conduct month-end and year-end financial analysis; prepare monthly financial statements.
- B. Auditing** – Perform annual independent audit of financial records.
- C. Supplemental Educational Services** – Provide tutoring, academic enrichment and other supplementary educational services.
- D. Occupational Therapy** – Conduct occupational and vocabulary evaluations, provide occupational and vocabulary therapy services.
- E. Mental Health Services** – Conduct psychological evaluations, reevaluations.
- F. Speech/Language Services** – Conduct speech/language evaluations, reevaluations; provide speech/language services.
- G. Case Work** – Provide counseling, mediation and intervention services.
- H. Educational Coach** – Provide coaching and mentoring to teaching staff and administrative personnel.
- I. Program Review Consultant** – Evaluate program implementation; consult on improvement strategies.
- J. Custodial Services** – Perform complete custodial services of interior and exterior of the school facility.
- K. Electrical Contractor** – Provide electrician services; maintenance of electrical components throughout school building.
- L. Painting Contractor** – Perform major and minor painting jobs, including touch ups.
- M. Security Surveillance** – Provide security monitoring services.
- N. Transportation Services** – Provide bus and/or van transportation services for school field trips, sporting events, and other outings.
- O. Catering Services** – Cater foods for special events, meetings, and other select occasions.
- P. Attorney at Law** – Provide legal defense, consultation; provide representation for Special Education and other type cases.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SECOND FLOOR, WEST TOWER
WASHINGTON, DC 20005

ORDER

May 15, 2009

FORMAL CASE NO. 1074, IN THE MATTER OF THE PETITION OF POTOMAC ELECTRIC POWER COMPANY FOR AUTHORIZATION TO ESTABLISH A REGULATORY ASSET RESULTING FROM THE IMPACT OF RECENT ECONOMIC DEVELOPMENTS ON PENSION COST, Order No. 15264

I. INTRODUCTION

1. By this Order, the District of Columbia Public Service Commission (“Commission”) invites interested persons to comment on the Potomac Electric Power Company’s (“Pepco” or “Company”) petition to defer as a regulatory asset the difference between the level of operations and maintenance (“O&M”) pension expense currently included in its base rates and the level of O&M pension expense it is required to record under the current generally accepted accounting standards. Interested persons shall have fifteen (15) days from the date of publication of this Order in the *D.C. Register* to intervene. Initial comments are due within sixty (60) days from the date of publication of this Order in the *D.C. Register*. Reply Comments are due within ninety (90) days from the date of publication of this Order in the *D.C. Register*.

II. PEPCO’S PETITION

2. On May 1, 2009, Pepco filed a Petition seeking authorization from the Commission to defer as a regulatory asset the difference between the level of O&M pension expense currently included in its base rates and the level of O&M pension expense it is required to record under the current generally accepted accounting standards.¹ The Company states that, as a wholly-owned subsidiary of Pepco’s Holdings, Inc. (“PHI”) and, along with other subsidiaries of PHI, it participates in a noncontributory, tax qualified, defined benefit pension plan (“Pension Plan”) which covers substantially all of Pepco’s employees.² The Company asserts that accounting standards require that pension expense be determined, in part, based upon a measurement of the fair market value of the Pension’s Plan’s assets at the end of the previous

¹ *Formal Case No. 1074, Petition of the Potomac Electric Power Company for Authorization to Establish a Regulatory Asset Resulting from the Impact of Recent Economic Developments on Pension Cost (“F.C. 1074”),* filed May 1, 2009 (“Pepco’s Petition”).

² *Id.* at 4.

fiscal year (December 31).³ Pepco states that in order to provide sufficient funds to meet the future payment obligations of the Pension Plan, the funds within the Pension Plan are invested in various investment vehicles typical of a standard pension plan (mostly equities and fixed income instruments).⁴ According to Pepco, it has been the Company's policy to fund the Pension Plan to a level at or slightly above the Accumulated Benefit Obligation, in order to balance the goals of minimizing the annual pension expense, while minimizing the amount of cash required to remain fully funded.⁵

3. Pepco states that, as a direct result of the downturn in the U.S. economy, the Pension Plan experienced a significant decline in the fair value of its assets, which will result in a significant increase in the annual pension expense in 2009.⁶ The Company submits that, based upon preliminary estimates provided by Pepco's independent actuaries, Pepco's 2009 net periodic benefit cost for pension is estimated to be \$36.05 million, compared with the 2008 level of \$14.63 million.⁷ The Company states that, of the total net periodic benefit cost, a portion will be capitalized to rate base, but the majority will be reflected in O&M.⁸ Pepco also states that its current District of Columbia electric distribution rates reflect annual pension expense charged to O&M, including service company amounts, of approximately \$2.791 million.⁹ According to the Company, the District of Columbia distribution operations of Pepco are expected to incur an O&M pension expense of approximately \$8.153 million for the year ending December 31, 2009, or an increase of approximately \$5.362 million over the amount reflected in current rates.¹⁰ The Company further states that, based on this change in pension expense brought about by national economic conditions, it seeks authorization from the Commission to defer as a regulatory asset the difference between the level of O&M pension expense currently included in its base rates and the level of O&M pension expense it is required to record under the current generally accepted accounting standards.¹¹ Pepco requests that it be allowed to continue such deferral until such time as recovery of these additional costs is provided for in Commission-approved base rates.¹²

³ *Id.* Pepco indicates that in accounting for the cost of the Pension Plan, Pepco follows Statement of Financial Accounting Standards (SFAS) No. 87, "Employers' Accounting for Pensions," as amended by SFAS 158, "Employers' Accounting for Defined Benefit Pension and other Post retirement Plans."

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 5.

⁷ *Id.* at 6. Pepco indicates that its net periodic benefit cost for pension, including its share of the service company pension expense, was approximately \$12.18 million in 2005, \$16.61 million in 2006, \$11.86 million in 2007, and 14.63 million in 2008.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 7.

¹² *Id.*

Pepco states that the relief it seeks will not involve a change to any of Pepco's retail rates or prices at this time, or require any change in any Commission rules, regulations, or policy.¹³ Also, Pepco asserts that the issuance of the requested accounting order will not prejudice the right of any party to address these issues in a subsequent general rate case proceeding.¹⁴

III. DISCUSSION

4. To aid the Commission in its review of Pepco's filing, the Commission invites interested parties to submit comments. The parties' comments will aid the Commission in determining whether Pepco's proposal is in the public interest. Accordingly, interested persons shall have fifteen (15) days from the date of publication of this Order in the *D.C. Register* to request intervention. Initial comments on Pepco's Petition are due within sixty days (60) from the date of publication of this Order in the *D.C. Register*. Reply Comments are due within ninety (90) days from the date of publication of this Order in the *D.C. Register*.

THEREFORE, IT IS ORDERED THAT:

5. Interested persons shall have fifteen (15) days from the date of publication of this Order in the *D.C. Register* to request intervention; and

6. Initial comments are due within sixty (60) days from the date of publication of this Order in the *D.C. Register*. Reply Comments are due within ninety (90) days from the date of publication of this Order in the *D.C. Register*.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

CHIEF CLERK:

**DOROTHY WIDEMAN
COMMISSION SECRETARY**

¹³ *F.C. 1074*, Pepco's Petition at 2.

¹⁴ *Id.* Pepco indicates that it considers this proceeding as an investigation not as a rate case for purposes of Section 34-912 of the District of Columbia Official Code.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FY 2009 Charter School Leadership Grant

RFA RELEASE DATE: May 22, 2009

APPLICATION SUBMISSION DEADLINE: June 22, 2009

The Office of Public Charter School Financing and Support (OPCSFS), within the Office of the State Superintendent of Education (OSSE), is soliciting grant proposals from qualified non-profit organizations to provide innovative initiatives which expand the pipeline of leaders for District of Columbia public charter schools. The OPCSFS is seeking to support a high quality, research-based, and data-driven school leadership development program designed to prepare candidates for the challenges of leadership in DC public charter schools. This Request for Applications (RFA) seeks to identify a partner to recruit, develop and promote the talent and skills related to leadership that facilitate school change and the management needed for the improvement and future development of high performing public charter schools in the District of Columbia.

Core Result

Young people with limited opportunities and resources educated in the District will complete their public charter school experience exceeding expectations and standard scores in English and math.

Eligibility

A 501(c)(3) non-profit organization with direct experience meeting all of the following criteria is eligible to apply for the Charter Schools Leadership Development Grant under this Request for Applications (RFA):

- Experience working with District of Columbia public charter schools in the past three years in the areas of leadership development, with an office currently in the District of Columbia;
- Documented success in the recruitment and placement of principals for public schools in the District of Columbia; and
- Documented success of leaders who have advanced their management skills and whose schools have shown marked improvement in student achievement.

Non-profit organizations must use the partnership funding in the selection, training and placement of prospective candidates for leadership positions directed towards achieving dramatic results in District of Columbia public charter schools. **A 75% match directed exclusively for this project over the life of the grant with an accompanying contributor commitment letter is required of each non-profit submitting a proposal.**

Individuals are not eligible to apply. Each applicant should provide evidence to demonstrate that all requirements of eligibility, including experience and expertise regarding the previously stated objective are appropriately satisfied. Applicants must be in good standing with and be qualified to do business in the District of Columbia.

Mandatory Pre-Application Conference

WHEN: June 3, 2009

WHERE: City-Wide Conference Center
441 4th Street, NW, Room, 1107
Washington, DC 20001

TIME: 9:00am-11:00am

CONTACT PERSON: Matthews Wright
Office of the State Superintendent of Education
Government for the District of Columbia
441 4th Street, N.W., Suite 350N
Washington, D.C. 20001
Tele: 202-727-8320
Fax: 202-727-2019
matthews.wright@dc.gov

Please visit www.osse.dc.gov or contact Matthews Wright to receive a copy of the RFA.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17583-B of 1634 Associates LLC, pursuant to 11 DCMR § 3103.2, for a variance from the residential recreation space requirements under section 773, a variance from the retail use provisions under subsection 1901.1, and a variance from the off-street parking requirements under subsection 2101.1, to construct a thirty-two (32) unit residential building with ground floor retail in the ARTS/C-3-A District at premises southwest corner of the intersection of 14th and R Streets, N.W. (Square 208, Lots 806, 807, and 808).

HEARING DATE:	April 3, 2007
DECISION DATE:	April 3, 2007
FINAL DATE OF ORDER:	April 4, 2007
MODIFICATION DECISION DATE:	May 5, 2009

SUMMARY ORDER ON MODIFICATION

Background. On April 3, 2007, the Board approved the Applicant's request for a variance from the residential recreation space requirements under section 773, a variance from the retail use provisions under subsection 1901.1, and a variance from the off-street parking requirements under subsection 2101.1. Given that there were no opposing parties, the Board authorized a bench decision and summary order, which was issued on April 4, 2007 (BZA Order 17583).¹

On April 3, 2009, the Board received a request from the Applicant for a minor modification of approved plans and a waiver requirement pursuant to subsection 3100.5 of the provisions of subsection 3129.3 of the Zoning Regulations to modify the approved plans. (Exhibit 34). Copies of the motion for minor modification of plans were also submitted to the Office of Planning (OP) and Advisory Neighborhood Commission (ANC) 2F. Pursuant to subsection 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. No parties submitted written comments concerning the requested modification. The 10-day period ended on April 16, 2009.

Waiver of Six-Month Requirement. Pursuant to subsection 3129.3, requests for modification of plans must be received no later than six months from the issuance of the

¹ Under the Summary Order, and pursuant to subsection 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until April 4, 2009. On April 3, 2009, the Board granted the Applicant's Motion to Extend Validity of BZA Order No. 17583 by two years. The validity of the original Order was extended from April 4, 2007 to April 4, 2011. (See, BZA Order No. 17583-A).

BZA APPLICATION NO. 17583-B**PAGE NO. 2**

final order. BZA Order No. 17583 was approved by the Board on April 3, 2007 and the Final Order was issued on April 4, 2007. The six-month period ended on October 4, 2007. Thus, the Applicant asked for a waiver of the six-month requirement.

The Board accepted the Applicant's stated reasons for the delay. According to the Applicant, the project has not proceeded to construction because of the economic downturn which has negatively affected the ability to obtain financing to construct the project and has made financing for prospective purchasers much harder to obtain as well, thereby adversely affecting the marketability of the project. The Applicant stated that it intends to go forward with the project as soon as possible given the constraints and that the factors leading to the inability to proceed to construction constitute good cause for waiving the rules to permit consideration of the requested modification.² By consensus, the Board waived the six-month requirement for the Applicant to file a modification request.

Modification of Plans. The original Application 17853 was for the construction of a new mixed-use retail and residential building. The Applicant sought variances from the residential recreation space requirements of subsection 773, from the minimum 50% retail uses on the ground floor under subsection 1901.1, and from the parking requirements of subsection 2101.1 for a reduction of on-site parking spaces required.³ The building will have 32 residential units and 2,216 square feet of retail. One floor of underground parking with 18 spaces will be provided.

The plans approved under BZA Order No. 17583 showed balconies on both the west and south facing facades. The Applicant's modification involves removal of the balconies on the west facing façade on the 2nd through 7th floors and those on the south facing façade on the 2nd through 5th floors (*See* Exhibit 34, Attachment B - Sheets 5, 6, 7, 8, 13 and 14 of the plans). The Applicant plans to enclose the balconies (which were 24 square foot indentations in the façade) as part of the building to increase by that amount the area of the apartments units of which the balconies were a part. Sliding glass doors with a railing will face out of the building in place of the balconies. According to the Applicant, enclosing the balconies will neither increase the gross floor area nor the floor area ratio (FAR) of the building. The proposed modifications to the plan do not alter any of the

² At the time of this decision, the Zoning Commission had taken proposed action to amend the Zoning Regulations to extend the period of time for filing a modification request from six months to two years so that the requested waiver of the rules would be consistent with the pending amendments.

³ One area of relief that was granted in the original application, that is, a variance from the residential recreation space requirements, is no longer necessary, since the Zoning Commission repealed that requirement after the original application was granted.

BZA APPLICATION NO. 17583-B**PAGE NO. 3**

other computations for the building except that the interior floor area of the units would be slightly increased.

Accordingly, the modifications are minor and do not change the material facts on which the zoning relief was approved, and therefore no new relief is required. The Applicant states that the construction of the building has not started because of the prevailing economic downturn. This has made financing for prospective buyers much harder to obtain.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3129.1, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. No parties opposed this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant's proposed modification of plans is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application.

Accordingly, it is therefore **ORDERED** that (pursuant to Exhibit 34, Attachment B – Revised Plans) the application is **GRANTED**.

VOTE on Original Application (April 3, 2007): 3-0-2

(Curtis L. Etherly, Jr., John A. Mann II, and Ruthanne G. Miller to grant; the Zoning Commission member and the third mayoral appointee not voting not having heard the case.)

VOTE on Minor Modification of Plans (May 5, 2009): 3-0-2

(Marc D. Loud, Gregory N. Jeffries, Shane L. Dettman to grant; two mayoral appointees (vacant) not participating and not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved issuance of this order.

FINAL DATE OF ORDER: MAY 19, 2009

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

BZA APPLICATION NO. 17583-B

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17920 of CHH Capital Hotel Partners, LP, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow the extension of the regulations applicable in a less restrictive zoning district into a more restrictive zoning district under subsection 2514.2, and a variance from the thirty-five-foot limitation on such extensions under subsection 2514.2(a), to allow ground-floor retail and service uses in a hotel located in the C-4 and SP-2 Districts at premises 1001 16th Street, N.W. (Square 198, Lot 39).

HEARING DATE: May 12, 2009

DECISION DATE: May 12, 2009 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2B, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a letter in support of the application. The ANC's report indicated that it voted unanimously in support of the application at a duly noticed public meeting at which a quorum was present. (Exhibit 23). The Office of Planning (OP) also submitted a report in support of the application (Exhibit 26).

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1 and 2514.2, and a variance under § 3103.2 from the strict application of the 35-foot limitation of § 2514.2(a). No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3104.1 for a special exception under § 2514.2, and that the requested relief can

BZA APPLICATION NO. 17920**PAGE NO. 2**

be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board also concludes that the Applicant has met its burden of proof under 11 DCMR § 3103.2 for an area variance from § 2514.2(a), that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that the application (pursuant to Exhibit 11 – PLANS) be **GRANTED**.

VOTE: **3-0-2** (Shane L. Dettman, Marc D. Loud, and Michael G. Turnbull to approve; no other members present or voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved issuance of this order.

FINAL DATE OF ORDER: MAY 15, 2009

UNDER 11 DCMR § 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL BECOME EFFECTIVE UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION

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THERE TO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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